

Notice of Allowability

Application No.

10/005,004

Examiner

Arlen Soderquist

Applicant(s)

MILLER ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final filed 4-6-05.
2. ☒ The allowed claim(s) is/are 1-12 and 23-25.
3. ☒ The drawings filed on 04 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

2005/12/20 ALAWRENC 00000002 132725 10005004

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on April 14, 2005, Mark Deffner requested an extension of time for one additional MONTH(S) and authorized the Director to charge Deposit Account No. 13-2725 the required fee of \$330.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 19-22 and 26-29 have been canceled; and claim 1 has been amended as follows.

- 1. (Currently amended) An indicator device, comprising:
- a substrate;
 - a first polymeric matrix coated on the substrate;
 - a second polymeric matrix covering all of the first polymeric matrix except for an edge of the first polymeric matrix, the second polymeric matrix impermeable to volatile bases generated by decomposing food; and
 - an indicator compound disposed within the first polymeric matrix, the indicator compound being colorimetrically responsive at temperatures below 0°C to the volatile bases generated by food decomposition;
- wherein the first polymeric matrix is formed by an acid catalyzed polymerization of a monomer material comprising a tetraalkoxysilane, an alkyl trialkoxysilane, or a mixture thereof;
- wherein a distance of colorimetric response of color ~~diffuses through~~ the indicator compound disposed within the first polymeric matrix increases with increased exposure to the volatile bases, wherein food quality can be determined by measuring the distance of colorimetric response ~~color diffusion~~ over a predetermined time period at a particular temperature. --

2. The following is an examiner's statement of reasons for allowance: the art of record fails to teach or fairly suggest the combination of structural elements as now claimed. The newly cited Patel reference shows a structure in which an edge of a strip reacting with a compound is

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covered by a layer that is not permeable to gases being measured, however this reference is a self contained device that is not intended to be exposed to or measure compounds in the atmosphere surrounding the device and not properly combinable with a device such as Wolfbeis that is permeable to the surrounding atmosphere to allow the indicator to react with compounds in the atmosphere.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additionally cited art is related to incorporating an indicator in a polymeric gel type material and a moving boundary indicating device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arlen Soderquist whose telephone number is (571) 272-1265. The examiner can normally be reached on Monday-Thursday and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arlen Soderquist

ARLEN SODERQUIST
PRIMARY EXAMINER